REPORT OF THE COMMITTEE ON THE
PETITION OF THE NIAGARA SUFFERERS

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REPORT

OF THE

COMMITTEE ON THE PETITION OF THE NIAGARA SUFFERERS

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No. 52.

In Assembly, Jan. 25, 1822.

REPORT

Of the committee on the petition of the Niagara sufferers.

The select committee, to whom was referred the petition of Elias Ransom, and other inhabitants of the Niagara frontier, sufferers by the depredations of the enemy during the late war, report:

That it is well known to the citizens of this state, that the losses sustained by the inhabitants of the Niagara frontier, in consequence of the depredations of the enemy, and the burning of the village of Buffalo, were very great, and that they are still suffering under the effects of these calamities, the circumstances of the times having been such, as to impede and frustrate every effort to recover from their difficulties.

In April, 1816, Congress passed a general law, making provision "for the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States." Under this act, large compensations were made to many persons similarly situated with the present petitioners; and commissioners were appointed by a resolution of Congress, to investigate the claims on the Niagara frontier. They made a very minute and patient examination of the subject, upon the spot where the principal losses took place, requiring legal testimony to support every charge, and reported thereon, fully and in detail, to the proper officer of the United States. The total amount certified by them to have been destroyed, at the valuation, appearing in evidence before them, was 423,335 dollars.

Unfortunately for the petitioners, attempts were made in various parts of the union, to obtain the allowance of numerous false or exaggerated claims, in consequence of which the whole swelled to so large an amount, that the president was induced to direct a suspension of the payments until farther order.

The petitioners were therefore again obliged to repeat their application to congress; but from the financial difficulties which then embarrassed the national government, the pressure of other business, the competition of local interests, and other similar causes, the relief solicited has been hitherto postponed from year to year.

In the mean time, from the urgent necessity of their circumstances, the petitioners were compelled to resort to loans in order to raise the immediate means for the erection of dwelling houses, and the carrying on the several kinds of business, upon which they depend for their support and that of their families. For this purpose, the sum of 50,000 dollars was obtained from the state on loan, as well as considerable sums by different individuals from the

bank of Niagara, which institution has since stopped payment, and is now indebted to the state to a large amount.

All this afforded but a temporary relief, and difficulties and embarrassments of all sorts have thickened upon them, and weighed them down. Though they are still confident in the equity of their claim upon the nation, as supported by the great principles and the reciprocal duties of allegiance and protection, by the authority of all civilized usage, by the obvious dictates of sound and enlightened public policy, all strengthened by the peculiar hardships of their particular case, yet hopeless of any immediate relief, they now, as their last resort, appeal to the magnanimity of their own state, for that aid which the nation has hitherto refused.

The relief which they now solicit is not the full payment of all their losses, but merely a grant to the sufferers, of the debts due to the state by the bank of Niagara, and a release or assignment for their general benefit, of the debt due by them to the state, under the loan of 1815, and secured by mortgage upon their lands.

These funds, there is great reason to believe, are now nearly lost to the state, or at best could not be realized but by the entire sacrifice of the property of the debtors, and the ruin of that part of the country. Thus the state, by making this grant, could hardly be a loser; while as the loans were originally advanced and would be now released for the benefit of the sufferers, the state of New-York would entitle itself to all their rights, and might urge its own claims in conjunction with those of the petitioners, with more decisive influence than could be done by the remonstrances or prayers of private citizens.

The committee, after much investigation of the subject, have agreed to report a bill in conformity with the prayer of the petitioners.

The following statement, founded upon information given by the Comptroller, will shew their nominal amount of the funds proposed to be appropriated in compensation of the losses to the sufferers; by granting which, the state will entitle itself to a just claim upon the United States, to an equal value.

Amount due for principal of loans made out of the treasury, to the sufferers on the Niagara frontier, as estimated Feb. 27, 1821, by the Comptroller,	$49,294 98
Deduct amount of a mortgage since paid in full,	875
	48,419 98
Add interest thereon,	11,168 18
	59,588 16
Due on the bond of the bank of Niagara,	14,869
Interest on the bond, from May 1819, to Feb. 1822,	2,862 27
For notes of the bank not included in the bond,	762
Total,	78,081 43

The committee have prepared a bill providing for an equitable distribution of these funds among the sufferers, and ask leave to present the same.

No. 53.

In Assembly,

January 29, 1822.

[Brought in by Mr. PHELPS.]

AN ACT

Granting relief to the sufferers on the Niagara frontier, whose property was destroyed by the enemy during the late war.

Whereas certain inhabitants of the Niagara frontier, whose property was destroyed by the enemy during the late war, have petitioned the legislature for relief, they being in great and immediate want:

And whereas the congress of the United States did pass a law for the relief of sufferers in such cases, and commissioners were appointed under and in pursuance of the said law, to investigate and ascertain the amount of property so destroyed, and the said commissioners did accordingly investigate and ascertain the value of such property:

And whereas the state of New-York doth repose full confidence in the justice of the congress of the United States, and relies accordingly that the United States will pay the said sufferers the full amount of their losses, as well as repay to the state of New-York any sum which the said state may advance for the immediate assistance of such sufferers, not exceeding the whole sum reported by the commissioners to have been lost, by the destruction of property by the enemy:

Therefore—

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the several debts due to the people of this state, for monies loaned to the sufferers on the Niagara frontier, by virtue of the law relative thereto, passed April 15th, 1815; also all monies due to this state on securities taken for the payment of the debt due from the Bank of Niagara, and the bills of said bank now in the treasury of this state, and all interest due on said several debts and on said bills, be, and the same are hereby transferred to , to hold to them and to the survivors of them, as commissioners in trust, for the uses and subject to the dispositions herein after mentioned.

II. And be it further enacted, That it shall be lawful for the said commissioners to extend to the individuals, debtors to the state as aforesaid, in such cases as they may deem expedient for carrying into effect the true intent of this law, the term of five years for the payment of their respective

debts: Provided, The said debtors shall pay, on or before the first day of September next, to the attorney-general, all costs which may have arisen upon the prosecution of any such demand: And provided also, That the said debtors shall respectively pay the annual interest that may fall due thereon, in each and every year.

III. And be it further enacted, That it shall be lawful for the said commissioners to allow any person who shall be entitled to any dividend under this act, either in his own right, or as the bona fide assignee of any other person so entitled, such part of said dividend as the said commissioners shall be satisfied will not exceed his or their due proportion of the monies arising under this act, by applying the same towards any debt due from such person to the said commissioners on any debt hereby transferred to them.

IV. And be it further enacted, That the said commissioners shall make an equal distribution of all such monies as shall come into their hands by virtue of this act, among the several and respective sufferers on the Niagara frontier, in the counties of Niagara and Erie, and named in a list of claims presented before Oliver C. Comstock, Archibald S. Clark and Robert W. Stoddard, commissioners appointed by Richard B. Lee, under a resolution of the congress of the United States, to take testimony relative to said sufferers, according to the amount of the damages sustained by said sufferers respectively, and certified by the last named commissioners in their report to the said Richard B. Lee, to have been fully and satisfactorily proved before them—and it shall be lawful for the said commissioners to make and declare such dividends as they shall from time to time judge proper—always dividing upon the total amount of the losses so certified to have been satisfactorily proved, to every sufferer his rateable proportion of the monies so to be divided—and the said commissioners are authorised and required to pay over the dividends to the said sufferers, or to their order, or to the legal representatives of such of them as may be deceased at the time of such dividend being declared.

V. And be it further enacted, That the said commissioners shall have power to take and receive the title to any lands or tenements mortgaged to the people of the state, and which mortgage is by this act transferred to them, whenever in their judgment it shall be necessary to secure the debts; and it shall be lawful for the said commissioners, in the name of the people of this state, to sue for and recover any monies due or to grow due to them upon any of the securities hereby transferred to them—And it shall be lawful for the said commissioners to sell, and in their own names to convey any lands or tenements which under this act they may acquire; and upon the production of a certificate of the said commissioners, that any mortgage hereby transferred to them, has been paid and satisfied, it shall be the duty of the clerk of the county where the said mortgage is recorded, to cancel the same of record. And these and all other powers conferred by this act upon the commissioners, may be executed by any two of them.

VI. And be it further enacted, That whenever the commissioners by this act appointed, shall pay a dividend to any person entitled to relief under this act, they shall take from such person an assignment to the people of this state of the claim which the said person has on the United States, for loss sustained, as the said loss has been ascertained and established by the commissioners, as expressed in the fourth section of this act, which said assignments of claims shall be delivered by the said commissioners to the comptroller of this state.

VII. And be it further enacted, That whenever the amount of such

claims shall be received by the people of this state, from the government of the United States, the comptroller shall ascertain the amount which has been received on account of the claim of each sufferer, from which he shall deduct the amount paid to such sufferer by the commissioners hereby appointed, with interest at six per cent. per annum, from the time the same was so paid, and the residue shall be paid by the treasurer, on the warrant of the comptroller, to such sufferer, his or her heirs, exccutors, administrators or assigns.

VIII. And be it further enacted, That it shall be the duty of the commissioners above appointed, to account to the comptroller for the execution of the trust confided to them.

No. 93.

In Assembly, Feb. 14, 1822.

REPORT

Of the Comptroller, relative to the Niagara sufferers.

STATE OF NEW-YORK—Comptroller's Office.
Albany, February 14, 1822.

SIR—

I have the honor to enclose a report, prepared in obedience to the resolution of the honorable the Assembly, of the 13th instant, requiring the Comptroller, "to furnish the house with a schedule of the names of all persons to whom loans were made, agreeably to the act of the 15th April, 1815, for relieving the Niagara sufferers; the estimated amount of the losses sustained by them respectively, upon which the same were granted; the amount of the loans to each person; the amount of the interest now due, and the costs, if any, accrued thereon; together with any other information in his possession, relating thereto."

I have the honor to be, sir,
With great respect,
Your obedient servant,
JOHN SAVAGE.

The Hon. Samuel B. Romaine,
Speaker of the Assembly.

STATE OF NEW-YORK—Comptroller's Office.

The Comptroller, in obedience to the resolution of the honorable the Assembly of the 13th instant, requiring him "to furnish that house, with a schedule of the names of all persons to whom loans were made, agreeably to the act of the 15th April, 1815, for relieving the Niagara sufferers; the estimated amount of the losses sustained by them respectively, upon which the same were granted; the amount of the loans to each person; the amount of the interest now due, and the costs, if any, accrued thereon, together with any other information in his possession, relating thereto,"

RESPECTFULLY REPORTS—

That the following statement contains the information required by the Assembly.

STATEMENT of loans made to the sufferers on the Niagara frontier; showing the original amount of the loan to each person; the names of the borrowers; the amount now due; and the losses sustained by each, by the destruction of property on that frontier, during the late war with Great Britain, so far as the evidence thereof was produced to the Comptrollier.

NAMES OF THE BORROWERS.	Original amount of the loan.	Principal remaining due, Feb. 13, 1822.	Interest due thereon.	Costs due to the Attorney General	Total amount now due on the loan.	Losses sustained by each person, in consequence of the destruction of property by the enemy.
Atwater, Moses,	1,000	1,000	35		1,035	$1,000.
Atkins, Mary,	1,000	1,000	385		1,385	1,500.
Baird, William,	1,000	1,000	385	20 39	1,405 39	1,330.
Bemis, Asaph S.	400	400	42 39		442 39	400.
Caryl, Benjamin,	1,000	1,000	245		1,245	The loss of Juba Storrs, Benj. Caryl, and Lucius Storrs, co-partners, is stated at $6,200. The further loss of B. Caryl's separate property, is estimated at $1,350; of Juba Storrs, at $500; and of Lucius Storrs, at $800.
Chapman, William,	350	350	134 75		484 75	350.
Cook, Lemuel,	449 66	69 64			69 64	1,119 89.
Callender, Amos,	300	300	115 50	20 39	435 89	625.
Campbell, Henry M. and James,	1,000	1,000	420		1,420	2,256.
Chapin, James,	700	700	269 50	20 39	989 89	800 or 1,000.
Dudley, Nathan, for Luke Draper,	700	700	139 50		839 50	Luke Drapers loss, is estimated at 700.
Daley, Martin,	875	875	177 82		1,052 82	2,000.
Dickinson, Ira,	900	900	168	20 39	1,088 39	1,352 06.
Desparr, John,	1,000	1,000	140		1,140	1,187 62.
Dodge, Jonathan S.	500					This loan has been paid in full and discharged. The costs remain unpaid, 20 55.
do.	500					The same remarks.

Edsell, Samuel,	750	750	288 75	20 39	1,059 14	750.
Ensign, Elijah,	1,000	1,000	385	20 39	1,405 39	1,000.
Field James,	650	650	250 25	21 10	921 35	650.
Franklin, Stephen,	1,000	1,000	385	20 39	1,405 39	1,250.
Forward, Oliver,	1,000	1,000	280	20 39	1,300 39	2,050.
Folsom, Gilman,	1,000	1,000	420	20 55	1,440 55	4,750.
Grant, Vincent,	500	500	192 50	20 39	712 89	500.
Greensitt, Agnes,	600	600	63		663	1,000.
Gillet, Joshua,	1,000	1,000	105	20 39	1,125 39	5,352 53.
Goodell, Jabez,	1,000	1,000	385	20 39	1,405 39	1,400.
Haddock, John,	1,000	1,000	210		1,210	3,375.
Harrison, Jonas,	1,000	1.000	210		1,210	Evidence of the loss in this case is not found.
Heacock, Reuben B.	1,000	1,000	175		1,175	Reuben B. Heacock and Abel M. Grosvenor were partners. Their joint loss, was estimated at $7,350.
Hodge, William,	1,000	1,000	385	20 39	1,405 39	3,000.
Hoyt, Joseph D.	700	700	73 50		773 50	1,668.
Johnson, Ebenezer,	1,000	1,000			1,000	2,211 50.
Kaene, Robert,	700	700	171 50		871 50	1,625.
Kibbe, Gaius,	1,000	1,000	385	20 39	1,405 39	Gaius Kibbe sustained no loss himself, but John Root and two others, suffered to the amount of $1,050; and having assigned their claim for a loan to Mr. Kibbe, the Attorney General gave it as his opinion, that Mr. Kibbe was entitled to the loan.
Ketcham, Henry,	1,000	1,000	385		1,385	1,275.
Carried forward,	28,574 66	27,194	7,406 96	306 72	34,908 32	

Bought forward,	28,574 66	27,194 64	7,406 96	306 72	34,908 32	
Landon, J.	1,000	1,000	385	20 39	1,105 39	4,200
Miller, William,	645 39	645 39	218 32	20 90	914 61	645 39
Potter, Heman B.	450	450	47 25		497 25	450
Porter, Peter B.	1,000	1,000	105		1,105	P. B. Porter's loss is stated at "more than $1,000."
Pratt, Samuel,	1,000	1,000	175 39		1,175 39	1,600.
Ransom, Elias,	1,000	1,000	420	21 16	1,441 16	4,650.
do	1,000	1,000	385		1,385	This loan was made under Timothy M'Ewen's loss, which was stated at $2,760. He assigned his claim to Mr. Ransom. See remarks opposite to Gaius Kibbe's name.
Rees, David,	750	750	170		920	750.
Storrs, Lucius,	1,000	1,000	245		1,245	Loss stated under the head of Benj. Caryl.
Storrs, Juba,	1,000	1,000	245		1,245	The same.
Sharp, Chauncy R.	900	900	346 50	20 39	1,266 89	Mr. Sharp drew under Asa Stanard's loss, which was estimated at $900, and the claim assigned to Mr. Sharp. See remarks opposite to Gaius Kibbe's name.
Smith, Oziel,	500	500	192 50	20 39	712 89	2,200.
Salisbury, Hez. A.	700	700	122 50		822 50	The losses of the Mess. Salisbury together, being partners, was stated at $1,937.
Salisbury, Smith H.	1,000	1,000	245		1,245	
Smith, John R.	500	500	157 50	22 70	680 20	875.
Sill, Nathaniel,	1,000	1,000	35		1,035	2,250.
St. John, Margaret,	1,000	1,000	105		1,105	3,500.
Spalding, Rufus,	1,000	1,000	251 66		1,251 66	1,000 25.
Townsend, Charles, and Geo. Coit,	1,000	1,000	210		1,210	Their joint loss was estimated at $2,500.

Townsend, Jacob, Sheldon Thompson, and Alvin Bronson,	1,570	1,570	118 92		1,688 92	Their joint loss was estimated at $1,570.
Tracy, Ira,	609 95	609 95	192 15		802 10	His loss is stated at $609 95, though it was supposed to be much greater; but he neglected to produce evidence thereof.
Tupper, Samuel,	1,000					Paid in full, and discharged.
Wells, Joseph,	600	600	231	20 39	851 39	600.
Walden, Ebenezer,	1,000	1,000	210		1,210	4,176 41.
Total,	49,800	47,419 98	12,250 65	453 04	60,123 67	

The interest on loans, is calculated to the latter part of the year 1821.

From the preceding statement, it appears, that of the 50,000 dollars authorised by the act to be loaned, there was actually loaned, the sum of $49,800; and that there are now remaining due, the following sums, viz:—

Principal,	47,419 98
Interest,	12,250 65
Costs,	453 04
	$60,123 67

All which is respectfully submitted.

JOHN SAVAGE, *Comptroller.*

Albany, 14 *February*, 1822.

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